

October 9, 2014

A Regular Meeting of the Zoning Board of Appeals of the Town of Lancaster, Erie County, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 9th day of October 2014, at 7:00 P.M., and there were

PRESENT: JOHN BRUSO, MEMBER

 JAMES PERRY, MEMBER

 ARLIE SCHWAN, MEMBER

 ROBERT THILL, MEMBER

 RICHARD QUINN, CHAIRMAN

ABSENT: JILL MONACELLI, MEMBER

 LAWRENCE PIGNATARO, MEMBER

ALSO PRESENT: JOHANNA M. COLEMAN, TOWN CLERK

 KEVIN LOFTUS, DEPUTY TOWN ATTORNEY

 JEFFREY H. SIMME, CODE ENFORCEMENT OFFICER

The Affidavits of Publication and Posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

PETITION OF: RYAN S. BROWN

THE 1st CASE CONSIDERED BY THE ZONING Board of Appeals was that of the adjourned hearing of Ryan S. Brown, 1500 Town Line Road, Lancaster, New York 14086 for two [2] variances for the purpose of constructing a private garage on premises owned by the petitioner at 1500 Town Line Road, Lancaster New York, to wit:

- A. A variance from the requirements of Chapter 50, Zoning, Section 9D.(4) of the Code of the Town of Lancaster. The area of the proposed accessory structure is 1,360 square feet.

Chapter 50, Zoning, Section 9D.(4) of the Code of the Town of Lancaster limits the area of an accessory structure to 750 square feet. The petitioner, therefore, requests a 610 square foot accessory use area variance.

- B. A variance from the requirements of Chapter 50, Zoning, Section 9D.(1)(b) of the Code of the Town of Lancaster. The proposed location of the storage shed would result in a ten [10] foot side yard lot line set back.

Chapter 50, Zoning, Section 9D.(1)(b) of the Code of the Town of Lancaster requires a fifteen [15] foot lot line set back. The petitioner, therefore, requests a five [5] foot side yard lot line set back variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicants with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioners of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Environment and Planning of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Ryan Brown, Petitioner	Proponent
* Janet Brick	Opponent
* Leslie Russo	Opponent
* Gloria Goettel	Opponent
Ed Shanahan	Comments
* Drainage Concerns	

IN THE MATTER OF THE PETITION OF RYAN S. BROWN

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. THILL, WHO MOVED ITS
ADOPTION, SECONDED BY MR. QUINN
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Ryan S. Brown and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 9th day of October 2014, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the applicants is the present owner of the premises in question.

WHEREAS, the property for which the applicant is petitioning is within a Agricultural Residential District, (A-R) as shown on the Zoning Map of the Town of Lancaster.

WHEREAS, the Erie County Department of Environment and Planning has received a full copy of the proposed zoning action and has stated that the proposed action has been reviewed and determined to be of local concern therefore, no recommendation was made.

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is substantial, however, not sufficient enough to preclude the granting of the variances with specific conditions as enumerated below.

That the proposed area variance relief, with conditions stated herein, will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

**NOW, THEREFORE, BE IT
RESOLVED** that based upon these findings, the relief sought be and is hereby **GRANTED** subject to the following conditions which in the opinion of this board are appropriate conditions to minimize adverse effects on the character of the surrounding area and to safeguard the public health, safety, convenience and general welfare:

- 1. That the structure shall be twenty four [24] feet wide by forty [40] feet long.
- 2. That the structure shall be set back approximately seventy two [72] feet from the rear of the principle dwelling, however, if during an onsite inspection by the Building Inspector and/or Engineering Department it is determined that such seventy two [72] foot setback is impractical or cost prohibitive, that the Building Inspector and Town Engineer can waive and alter the seventy two [72] foot setback to the original sixty [60] foot setback requested by the petitioner.
- 3. That the structure shall be metal and Hunter Green and Tan in color.
- 4. That the roof of the structure shall be metal and Hunter Green or Brown in color.
- 5. That the petitioner will work with the Building Inspector and Town Engineer in directing all drainage from the roof and downspouts in such a manner as it will be maintained on the premises of the petitioner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR BRUSO	VOTED YES
MS. MONACELLI	WAS ABSENT
MR. PERRY	VOTED YES
MR. PIGNATARO	WAS ABSENT
MR. SCHWAN	VOTED YES
MR. THILL	VOTED YES
MR. QUINN	VOTED YES

The resolution granting the variance was thereupon **ADOPTED.**

October 9, 2014

PETITION OF: ERIC & ANDREA MILLER

THE 2nd CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Eric & Andrea Miller, 86 Newberry Lane, Lancaster, New York 14086, for one [1] variance for the purpose of constructing an addition to an existing garage. The proposed location will extend four [4] feet into the required front yard setback on premises owned by the petitioners at 86 Newberry Lane, Lancaster, New York; to wit:

A variance from the requirements of Chapter 50, Zoning, Section 11C.(4)(a) of the Code of the Town of Lancaster. The proposed location of the garage addition would result in a thirty-one [31] foot front yet setback.

Chapter 50, Zoning, Section 11C.(4)(a) of the Code of the Town of Lancaster requires a thirty five [35] foot front yard setback. The petitioners, therefore, request a four [4] foot front yard setback variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicants with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioners of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Eric Miller, Petitioner	Proponent
Ed Shanahan, Contractor	Proponent

IN THE MATTER OF THE PETITION OF ERIC & ANDREA MILLER

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. QUINN, WHO MOVED ITS
ADOPTION, SECONDED BY MR. PERRY
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Eric & Andrea Miller and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 9th day of October 2014, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the applicants are the present owners of the premises in question.

WHEREAS, the property for which the applicants are petitioning is within a Residential District 2, (R-2) as shown on the Zoning Map of the Town of Lancaster.

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought. (Board Member Thill does not agree)

That no detriment to nearby properties will be created by the granting of the area variance relief sought. (Board Member Thill does not agree)

That the benefit sought by the applicants cannot be achieved by some other method, feasible for the applicants to pursue, other than the area variance relief sought.

That the requested area variance relief is substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicants if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

NOW, THEREFORE, BE IT

RESOLVED that based upon these findings, the relief sought be and is hereby considered subject to the following condition which in the opinion of this board is an appropriate condition to minimize adverse effects on the character of the surrounding area and to safeguard the public health, safety, convenience and general welfare:

- That the petitioner works with the Town of Lancaster Building Inspector and Town Engineer to arrive at the best location for the structure.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR BRUSO	VOTED NO
MS. MONACELLI	WAS ABSENT
MR. PERRY	VOTED YES
MR. PIGNATARO	WAS ABSENT
MR. SCHWAN	VOTED YES
MR. THILL	VOTED NO
MR. QUINN	VOTED YES

The resolution granting the variance was thereupon **NOT GRANTED.**

October 9, 2014

PETITION OF: CAMILLE SUROWICK

THE 3rd CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Camille Surowick, 107 Stutzman Road, Lancaster, New York 14086 for two [2] variances for the purpose of constructing a storage garage on premises owned by the petitioner at 107 Stutzman Road, Lancaster, New York to wit:

- A. A variance from the requirements of Chapter 50, Zoning, Section 10.D.(4) of the Code of the Town of Lancaster. The area of the proposed accessory structure is one thousand six hundred [1,600] square feet.

Chapter 50, Zoning, Section 10.D.(4) of the Code of the Town of Lancaster limits the area of accessory structures to seven hundred fifty [750] square feet. The petitioner, therefore, requests a eight hundred fifty [850] square foot variance.

- B. A variance from the requirements of Chapter 50, Zoning, Section 10.D.(2) of the Code of the Town of Lancaster. The height of the proposed accessory structure is twenty-two [22] feet.

Chapter 50, Zoning, Section 10.D.(2) of the Code of the Town of Lancaster limits the height of accessory structures to sixteen [16] feet. The petitioner, therefore, requests a six [6] foot height variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

R.J. Surowick

Proponent

IN THE MATTER OF THE PETITION OF CAMILLE SUROWICK

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR QUINN, WHO MOVED ITS
ADOPTION, SECONDED BY MR.PERRY
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Camille Surowick and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 9th day of October 2014, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the applicants is the present owners of the premises in question.

WHEREAS, the property for which the applicants is petitioning is within a Residential District 1, (R-1) as shown on the Zoning Map of the Town of Lancaster.

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant could be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is not the minimum variance necessary to afford relief.

NOW, THEREFORE, BE IT

RESOLVED that based upon these findings, the relief sought be and is hereby **GRANTED** subject to the following condition which in the opinion of this board is an appropriate condition to minimize adverse effects on the character of the surrounding area and to safeguard the public health, safety, convenience and general welfare:

- That no commercial enterprise, other than those permitted by Chapter 50 of the Code of the Town of Lancaster, be conducted on the premises.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR BRUSO	VOTED	YES
MS. MONACELLI	WAS ABSENT	
MR. PERRY	VOTED	YES
MR. PIGNATARO	WAS ABSENT	
MR. SCHWAN	VOTED	YES
MR. THILL	VOTED	YES
MR. QUINN	VOTED	YES

The resolution granting the variance was thereupon **ADOPTED.**

October 9, 2014

PETITION OF: RICHARD & LINDA MCDONNELL

THE 4th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Richard and Linda McDonnell, 34 Apple Blossom Boulevard, Lancaster, New York 14086 for two [2] variances for the purpose of constructing an addition to an existing garage on premises owned by the petitioners at 34 Apple Blossom Boulevard, Lancaster, New York, to wit:

- A. A variance from the requirements of Chapter 50, Zoning, Section 10C.(3)(b)[1] of the Code of the Town of Lancaster. The location of the proposed dwelling would result in an east side yard setback of 4 feet.

Chapter 50, Zoning, Section 10C.(3)(b)[1] of the Code of the Town of Lancaster requires a 7.5 foot east side yard setback. The petitioners, therefore, request an east side yard setback variance of 3.5 feet.

- B. A variance from the requirements of Chapter 50, Zoning, Section 10C.(3)(b)[1] of the Code of the Town of Lancaster. The location of the proposed dwelling would result in a side combination of 13.6 feet for both side yards.

Chapter 50, Zoning, Section 10C.(3)(b)[1] of the Code of the Town of Lancaster requires a side yard combination of 18.75 feet. The petitioners, therefore, request a side yard combination variance of 5.15 feet.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicants with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioners of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Linda McDonnell, Petitioner

Proponent

IN THE MATTER OF THE PETITION OF RICHARD & LINDA MCDONNELL

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. QUINN, WHO MOVED ITS
ADOPTION, SECONDED BY MR. PERRY
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Richard & Linda McDonnell and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 9th day of October 2014, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has requested further information from the petitioner.

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster, with the concurrence of the petitioner, agrees that an adjournment of this hearing is in the best interest of both the residents of the Town of Lancaster and the petitioner.

**NOW, THEREFORE, BE IT
RESOLVED** that this hearing be adjourned to allow for further testimony and evidence to be presented.

WHEREAS, the applicants are the present owners of the premises in question.

WHEREAS, the property for which the applicants are petitioning is within a Residential District 1, (R-1) as shown on the Zoning Map of the Town of Lancaster.

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant could be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

That the addition to the garage will be more aesthetically pleasing than the current conditions.

**NOW, THEREFORE, BE IT
RESOLVED** that based upon these findings, the relief sought be and is hereby
CONSIDERED.

The question of the adoption of the foregoing resolution was duly put to a vote on roll
call which resulted as follows:

MR BRUSO	VOTED	NO
MS. MONACELLI	WAS ABSENT	
MR. PERRY	VOTED	YES
MR. PIGNATARO	WAS ABSENT	
MR. SCHWAN	VOTED	YES
MR. THILL	VOTED	NO
MR. QUINN	VOTED	YES

The resolution granting the variance was thereupon **NOT GRANTED**.

October 9, 2014

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was
adjourned in memory of James Metz at 9:19 P.M.

Signed _____
Johanna M. Coleman, Town Clerk and
Clerk, Zoning Board of Appeals
Dated: October 9, 2014